

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

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IN RE PAYMENT CARD INTERCHANGE FEE and MERCHANT-DISCOUNT : MASTER FILE NO. 1:05-md-1720-JG-JO  
ANTITRUST LITIGATION : ORAL ARGUMENT REQUESTED  
: This Document Relates to All Class Actions  
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**NOTICE OF MOTION TO DISMISS SECOND CONSOLIDATED  
AMENDED CLASS ACTION COMPLAINT AND TO STRIKE  
CHASE PAYMENTECH SOLUTIONS, LLC AS A DEFENDANT**

PLEASE TAKE NOTICE THAT, upon the accompanying Memorandum of Law in Support of Motion to Dismiss Second Consolidated Amended Class Action Complaint, the undersigned defendants will move this Court before the Honorable James Orenstein on a date and time to be designated by the Court, in the United States Courthouse, 225 Cadman Plaza East, Brooklyn, NY 11201 for an Order pursuant to Fed. R. Civ. P. 12(b)(6) to dismiss the Second Consolidated Amended Class Action Complaint dated January 29, 2009, in its entirety; and that, upon the accompanying Memorandum of Law in Support of Chase Paymentech Solutions, LLC's Motion to Strike, Chase Paymentech Solutions, LLC will move this Court before the Honorable James Orenstein on a date and time to be designated by the Court, in the United States Courthouse, 225 Cadman Plaza East, Brooklyn, NY 11201 for an Order pursuant to Fed. R. Civ. P. 12(f) to strike those portions of the Second Consolidated Amended Class Action Complaint,

the First Amended Supplemental Class Action Complaint, and the Second Supplemental Class Action Complaint that name it as a defendant.

PLEASE TAKE FURTHER NOTICE that defendants request oral argument of this motion.

Dated: New York, New York  
March 31, 2009

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<sup>1</sup> The defendants understand that, on September 26, 2008, defendant Washington Mutual, Inc. filed a voluntary petition under Chapter 11 of Title 11 of the United States Code in the United States Bankruptcy Court for the District of Delaware and, therefore, that the automatic bankruptcy stay, 11 U.S.C. § 362, applies to plaintiffs' claims against Washington Mutual, Inc. The matter is currently pending in that court as Bankruptcy Case No. 08-12229-MFW.